

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF WIRELESSCO, L.P., BY AND)	
THROUGH ITS AGENT AND GENERAL PARTNER)	
SPRINT SPECTRUM, L.P., FOR ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	CASE NO.
NECESSITY TO CONSTRUCT A PERSONAL)	99-263-UAC
COMMUNICATIONS SERVICES FACILITY)	
IN THE LOUISVILLE MAJOR TRADING AREA)	
[FISHER FACILITY])	

O R D E R

On August 3, 1999, WirelessCo, L.P. (WirelessCo), by and through its agent and general partner, Sprint Spectrum, L.P, filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for the Louisville Major Trading Area (MTA). The proposed cell site is to be located at 171 Frogtown Road, Sadieville, Scott County, Kentucky. The coordinates for the cell site are North Latitude 38°26' 6.25" by West Longitude 84°34' 9.08".

WirelessCo has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Fisher site. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Registered Professional Engineer has certified the plans.

Pursuant to KRS 100.987(2), WirelessCo has submitted the uniform application to the Georgetown-Scott County Planning Commission (GSCPC) for the proposed

construction. On August 24, 1999, the Commission received a letter from the GSCPC stating that the application has not been reviewed or approved. No further correspondence was received. Pursuant to KRS 100.987, it is therefore presumed that the GSCPC has approved the application. WirelessCo has filed applications with the Federal Aviation Administration (FAA) and the Kentucky Airport Zoning Commission (KAZC) for the construction and operation of the Fisher site. Both applications are pending.

WirelessCo has filed notices verifying that each person who owns property within 500 feet of the Fisher site has been notified of the pending construction. The notice solicited any comments and informed the property owners of their right to intervene. To date, no intervention requests have been received.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, WirelessCo should notify the Commission if it does not use this antenna tower to provide cellular radio telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by WirelessCo.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that WirelessCo should be granted a Certificate of Public Convenience and Necessity to construct and operate the Fisher site in the Louisville MTA under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. WirelessCo is granted a Certificate of Public Convenience and Necessity to construct and operate the Fisher site.

2. WirelessCo shall file a copy of the final decisions regarding the pending FAA and KAZC applications for this site construction within 10 days of receiving the decisions.

3. WirelessCo shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 30th day of November, 1999.

By the Commission

ATTEST:

Executive Director